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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
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12 ATMEL CORPORATION, a Delaware  
13 corporation; ATMEL SWITZERLAND, a  
14 corporation; ATMEL FRANCE, a corporation;  
and ATMEL SARL, a corporation,

15 Plaintiffs,

16 v.

17 AUTHENTEC, INC., a Delaware corporation,

18 Defendant.  
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Case No. 06 CV 2138 CW (EDL)

**ORDER ON DEFENDANT AUTHENTEC'S  
MOTIONS TO COMPEL AND PLAINTIFF  
ATMEL'S MOTION TO EXTEND CASE  
SCHEDULE**

21 This matter comes before the Court on the Motions (Dkt Nos. 90, 92, & 97) of Defendant  
22 AuthenTec, Inc. ("AuthenTec") to compel Plaintiffs Atmel Corporation, Atmel Switzerland, Atmel  
23 France and Atmel SARL (collectively "Atmel") to produce allegedly privileged documents, to produce  
24 documents and witnesses for deposition and to provide complete responses to certain interrogatories  
25 and Atmel's Motion (Dkt No. 89) to extend the case schedule. The Court, having reviewed and  
26 considered the parties' respective briefing and arguments on the motions and all relevant factual  
27 statements therein hereby ORDERS as follows:  
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1 1. AuthenTec's motion to compel Atmel to produce allegedly privileged documents is  
2 DENIED without prejudice.

3 2. AuthenTec's motion to compel Atmel to provide complete answers to certain interrogatories  
4 is GRANTED. Atmel shall provide full and complete supplemental responses to Interrogatories 2, 3,  
5 7, 8, 9, 10, 12, 14, 15, and 17 by September 25, 2007. Atmel shall provide supplemental responses to  
6 Interrogatories 5 and 16 with the information currently available to them. Atmel shall provide a full  
7 and complete supplemental response to Interrogatory No. 4 two weeks prior to the opening claim  
8 construction brief.

9 With respect to Interrogatory No. 2, Atmel shall provide a declaration from someone  
10 knowledgeable about all the search efforts to confirm whether or not the interrogatory response is  
11 accurate, and detailing efforts that were undertaken to confirm whether or not the response is accurate.  
12 Atmel shall provide the declaration by September 25, 2007.

13 With regard to Interrogatory No. 3, Atmel shall amend its response to indicate whether Atmel  
14 was aware prior to filing of the patent application of any prior art identified in AuthenTec's invalidity  
15 contentions. Atmel is further ordered to identify, in its amended response, any prior art that Atmel,  
16 including the inventor and others working with the inventor, were aware of prior to filing the patent  
17 application. In addition, Atmel shall provide a declaration indicating the steps taken to produce the  
18 supplemental response to Interrogatory No. 3 by September 25, 2007.

19 With respect to Interrogatory No. 7, Atmel shall identify specific agreements that comprise the  
20 complete assignment history for the '114 patent and shall also identify the complete assignment history  
21 for the '804 patent. Atmel shall also identify any license agreements. Atmel shall also provide a  
22 declaration regarding what efforts have been made to research the existence of license agreements and  
23 to fully respond to Interrogatory No. 7 by September 25, 2007.

24 With respect to Interrogatory Nos. 8 and 9, Atmel shall provide a declaration explaining in  
25 detail the efforts it made to ascertain the information requested in Interrogatories Nos. 8 and 9. If there  
26 were no communications with other competitors, Atmel shall confirm this in the declaration, and  
27 describe what steps were taken to verify the facts in the response. The declaration shall be provided by  
28 September 25, 2007.

1 With respect to Interrogatory No. 10, Atmel shall supplement its response with basic  
 2 underlying facts, but not mental impressions, of what the products were and how they were  
 3 investigated.

4 3. AuthenTec's motion to compel Atmel to produce documents and witnesses for deposition is  
 5 GRANTED IN PART. Atmel is ordered to produce and to certify that it has produced to AuthenTec  
 6 all non-privileged documents responsive to the Patent Local Rules and AuthenTec's First, Second, and  
 7 Third Sets of Requests for Production of Documents by September 25, 2007. The parties shall  
 8 exchange all translations of French documents that have been obtained by September 25, 2007.

9 4. Atmel's motion to extend the case schedule is GRANTED. Discovery and the case schedule  
 10 shall be extended 90 days. The revised case schedule is the following:

EVENT	DATE
Fact Discovery Cut-Off	December 21, 2007
Completion of Claim Construction Discovery	January 14, 2008
Claim Construction Opening Brief and Dispositive Motions	January 29, 2008
Claim Construction Responsive Brief and Responses to Dispositive Motions	February 29, 2008
Claim Construction Reply Brief and Reply re Dispositive Motions	March 14, 2008
Claim Construction/Dispositive Sur Reply Brief	March 28, 2008
Claim Construction/Dispositive Motion Hearing and Case Management Conference	May 1, 2008 2:00 p.m.
Opening Expert Reports	21 Days After Claim Construction Ruling
Rebuttal Expert Reports	21 Days After Opening Expert Reports
Completion of Expert Discovery	21 Days After Rebuttal Report

27 5. The parties are ordered to schedule and conduct mediation by December 21, 2007.  
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1 IT IS SO ORDERED.

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3 DATED: September 28, 2007  
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